

CASREF,CLOSED

**U.S. District Court
Western District of Kentucky (Bowling Green)
CIVIL DOCKET FOR CASE #: 1:19-cv-00170-GNS-HBB**

Malone v. Department of the Treasury et al
Assigned to: Chief Judge Greg N. Stivers
Referred to: Magistrate Judge H. Brent Brennenstuhl
Demand: \$243,000
Cause: 28:1491 Tucker Act

Date Filed: 11/20/2019
Date Terminated: 07/06/2020
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Dean Edward Malone

represented by **Dean Edward Malone**
150 Bobby McCandless Road
Knob Lick, KY 42154
650-201-3834
Email: demalone@caleb-ltd.com
PRO SE

V.

Defendant

Department of the Treasury
(official capacity)

represented by **Emily K. Miller**
U.S. Department of Justice – Tax Division
Ben Franklin Station P.O. Box 227
Washington, DC 20044
202-353-7509
Email: emily.k.miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Internal Revenue Service
(official capacity)

represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Christine L. Davis
*Operation Manager IRS (individual
capacity)*

represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carl W. Dorn, II
Director IRS
TERMINATED: 02/12/2020

represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Danny Kincaid
Officer IRS
TERMINATED: 02/12/2020

represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jennifer Perez
Disclosure Specialist IRS

represented by **Emily K. Miller**
(See above for address)

TERMINATED: 02/12/2020

LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Charles W. Horn, II**
*Director IRS (individual capacity)*represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Danny Kinkade**
*Officer IRS (individual capacity)*represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Jennifer J. Perez**
*Disclosure Specialist IRS (individual capacity)*represented by **Emily K. Miller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/20/2019 | <u>1</u> | COMPLAINT FOR REFUND OF TAXES against Department of the Treasury, Internal Revenue Service, Christine L. Davis, Carl W. Dorn, II, Danny Kincaid, and Jennifer Perez, filed by Dean Edward Malone, pro se. Filing fee \$ 400, Receipt Number L33062162. (Attachments: # <u>1</u> Exhibit A–Tax Returns, # <u>2</u> Exhibit B–IRS Refund–Related Correspondence, # <u>3</u> Exhibit C–Alleged Frivolous Returns Correspondence, # <u>4</u> Exhibit D–Freedom of Information Act Disclosures and Failed Discoveries Attempts, # <u>5</u> Notices of Lawsuit and Request to Waive Service of Summons) (JWM) Modified on 11/22/2019 (CDF). (Attachment 4 replaced on 11/22/2019) (CDF). (Entered: 11/20/2019) |
| 11/20/2019 | <u>2</u> | Case Assignment (Random Selection): Case Assigned to Chief Judge Greg N. Stivers. (JWM) (Entered: 11/20/2019) |
| 11/20/2019 | <u>3</u> | NOTICE of Filing <i>Pro Se</i> (Non Prisoner) Registration to Receive Documents Electronically cc:QC Clerk (JWM) (Entered: 11/20/2019) |
| 02/07/2020 | <u>4</u> | PLAINTIFF'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTIONby Plaintiff Dean Edward Malone, pro se (Attachments: # <u>1</u> Exhibit A–Purported Deficiency) (JWM) (Entered: 02/07/2020) |
| 02/07/2020 | <u>5</u> | PLAINTIFF'S MOTION TO COMPEL DEFENDANTS TO CEASE AND DESIST by Plaintiff Dean Edward Malone, pro se. (Attachments: # <u>1</u> Exhibit A–Purported Deficiency) (JWM) (Entered: 02/07/2020) |
| 02/07/2020 | <u>6</u> | PLAINTIFF'S MOTION TO COMPEL ANSWER TO SUBPOENAbby Plaintiff Dean Edward Malone, pro se. (Attachments: # <u>1</u> Exhibit A–Affidavit of Process Server) (JWM) (Entered: 02/07/2020) |
| 02/12/2020 | <u>7</u> | NOTICE OF SERVICE OF THREE MOTIONS by Dean Edward Malone, pro se (JWM) (Entered: 02/13/2020) |
| 02/12/2020 | <u>8</u> | AMENDED COMPLAINT against Department of the Treasury, Internal Revenue Service, Christine L. Davis, Charles W. Horn, II, Danny Kinkade, and Jennifer J. Perez, filed by Dean Edward Malone, pro se. (Attachments: # <u>1</u> Exhibit A–Tax Returns, # <u>2</u> Exhibit B–IRS Refund–Related Correspondence, # <u>3</u> Exhibit C–Alleged Frivolous Returns Correspondence, # <u>4</u> Exhibit D–Freedom of Information Act Disclosures and Failed Discoveries Attempts) (JWM) (Entered: 02/13/2020) |
| 02/12/2020 | <u>9</u> | Summons Issued as to Internal Revenue Service Counsel for Plaintiff is responsible for printing and serving the attached issued summons(es). (JWM) Modified to edit text on 2/13/2020 (JWM). (Entered: 02/13/2020) |

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| 02/13/2020 | <u>10</u> | NOTICE ON SUMMONS re <u>8</u> Amended Complaint. CC: Plaintiff, pro se (JWM) (Entered: 02/13/2020) |
| 02/20/2020 | <u>11</u> | MOTION for Extension of Time to File Answer re <u>8</u> Amended Complaint, <u>1</u> Complaint,, , MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION to Dismiss for Lack of Jurisdiction, <u>6</u> MOTION to Compel, <u>5</u> MOTION to Compel by Defendants Christine L. Davis, Department of the Treasury, Carl W. Dorn, II, Charles W. Horn, II, Internal Revenue Service, Danny Kincaid, Danny Kinkade, Jennifer J. Perez, Jennifer Perez (Attachments: # <u>1</u> Proposed Order) (Miller, Emily) (Entered: 02/20/2020) |
| 03/04/2020 | <u>12</u> | TEXT ORDER by Chief Judge Greg N. Stivers (EBOC) on 3/4/2020; Pursuant to 28 U.S.C. 636(b)(1)(A), this matter is hereby referred to U.S. Magistrate Judge H. Brent Brennenstuhl, for resolution of all litigation planning issues, entry of scheduling orders, consideration of amendments thereto, and resolution of all non-dispositive matters, including discovery issues. Judge Brennenstuhl is further authorized to conduct a settlement conference in this matter at any time. This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached. cc: Plaintiff, pro se; Counsel of Record; KLL (TJD) (Entered: 03/04/2020) |
| 03/04/2020 | <u>13</u> | ORDER Signed by Magistrate Judge H. Brent Brennenstuhl on 3/4/2020 granting <u>11</u> Motions for Extension of Time to Answer Amended Complaint and to File Response to Plaintiff's pending motions. cc: Counsel (DLW) (Entered: 03/04/2020) |
| 04/16/2020 | <u>14</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss <i>for Insufficient Service</i> by Defendants Christine L. Davis, Department of the Treasury, Charles W. Horn, II, Internal Revenue Service, Danny Kinkade, Jennifer J. Perez (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Kevin Cummiskey, # <u>3</u> Proposed Order) (Miller, Emily) (Entered: 04/16/2020) |
| 04/16/2020 | <u>15</u> | RESPONSE to Motion re <u>5</u> MOTION to Compel, <u>6</u> MOTION to Compel, <u>4</u> MOTION to Dismiss for Lack of Jurisdiction filed by Christine L. Davis, Department of the Treasury, Charles W. Horn, II, Internal Revenue Service, Danny Kinkade, Jennifer J. Perez. (Miller, Emily) (Entered: 04/16/2020) |
| 07/06/2020 | <u>16</u> | MEMORANDUM OPINION AND ORDER by Chief Judge Greg N. Stivers on 7/6/2020. Plaintiff's Motion to Dismiss (DN <u>4</u>) and Plaintiff's Motions to Compel (DNs <u>5</u> , <u>6</u>) are DENIED . Defendants' Motion to Dismiss (DN <u>14</u>) is GRANTED . All of Plaintiff's claims against Defendants are DISMISSED . The Clerk is directed to strike this matter from the active docket. cc: Counsel; Plaintiff, pro se(JWM) (Entered: 07/06/2020) |
| 07/06/2020 | <u>17</u> | JUDGMENT by Chief Judge Greg N. Stivers on 7/6/2020. Plaintiff's Complaint is DISMISSED . This is a final and appealable order.cc:counsel; Plaintiff, pro se (JWM) (Entered: 07/06/2020) |